

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

OCTOBER 20, 2003

DES MOINES WATER WORKS
2201 GEORGE FLAGG PARKWAY
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Kathryn Murphy at 10:30 a.m. on Monday, October 20, 2003, in at Des Moines Water Works, Des Moines, Iowa.

MEMBERS PRESENT

Lori Glanzman
Kathryn Murphy, Chair
Darrell Hanson, Vice Chair – arrived at 10:40 AM
Francis Thicke
Terrance Townsend
Heidi Vittetoe
Donna Buell

MEMBERS ABSENT

Lisa Davis Cook, Secretary
Jerry Peckumn

TOUR

October 20th from 8:00 – 10:00 Commission members, Department Staff and the general public were invited to tour the Des Moines Water Works facility.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Item 20 Referrals to the Attorney General. There are four different referrals.
- Add: Appointment – Representative from Iowa Select will be speaking on Item 18 – Contested Case Appeal – Iowa Select Farms

Motion was made by Lori Glanzman to approve the agenda as amended. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Terry Townsend to approve the minutes from the September 15, 2003 EPC meeting as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

IOWA STATE FAIR PRESENTATION

Kevin Baskins informed the Commissioners about the Departments watershed display at the Iowa State Fair. Many people are interested on how they can inform others about proper water practices and water quality. We would like to set up a mobile display unit so that we can travel throughout the state and inform students and parents about water quality.

INFORMATIONAL ONLY

DIRECTOR'S REPORT

Jeff Vonk reminded the Commission about the joint EPC/NRC Commission Training Session which will be held on Tuesday, December 2nd from 8:00 – 4:00 at Neal Smith Wildlife Refuge in Prairie City.

Jeff Vonk said that the Department has signed the final charter agency agreement with the Governor. We have a team built to attend the reinvention workshop next week to help generate new ideas for the department.

INFORMATIONAL ONLY

CONTRACT – AMERICAN COMPUTER SERVICES, INC. – ONE STOP PROJECT MANAGER

Gail George, of the Water Resources section presented the following item.

The Commission is requested to approve the attached contract for services between the Department and American Computer Services, Inc., to provide project management and information technology expertise for implementing two Network grants from the Environmental Protection Agency (EPA). The contract amount is not to exceed \$150,000 for the period October 27, 2003, through October 26, 2004.

This expenditure will result in the coordination and implementation of One Stop and Readiness Grants, including the following.

The main duties of the Project Manager will be to assist the Environmental Facilities Leader in directing data integration, directing data flows using the Exchange Network Node, obtaining other resources (such as other Network grants), and One Stop coordination.

Coordination activities include leading One Stop teams, developing a detailed project schedule and task assignments, preparing weekly progress reports, and communicating with all agency staff on the project status and decisions on a regular basis.

During the first month, DNR and the contractor will develop an agreed-upon list of monthly deliverables that addresses work scope items.

Background

Network One Stop Grant: DNR received this two-year grant for \$500,000 from EPA last year to link environmental databases, based on the facility site. DNR is in the process of developing the central Environmental Facilities Database (EFD) to which the program databases will link. The pilot includes linking the Air and Solid Waste databases to the central EFD. The project also involves developing a web front-end, including an Interactive Map Server which will be used by both the DNR and the public. Under this grant, DNR has also nearly completed the five-year plan for One Stop.

Network Readiness Grant: DNR recently received this grant for \$297,700 which enables DNR to build a Network Node. This node will allow automatic data flows to/from EPA or other partners, using XML. This grant also allows DNR to test two pilot data flows from DNR to EPA: for Air National Emissions Inventory (NEI) data and for environmental facility data to the Federal Registry System (FRS).

One Stop Plan: This five-year plan is being completed as part of the requirement for the Network One Stop Grant. It outlines when each of the 20 environmental program databases will integrate with the central EFD, and the initial list of proposed data flows using the Network Node. It also depicts DNR's efforts in: environmental data integration, burden reduction, stakeholder process, electronic reporting and public access.

Contractor Selection

DNR followed the Department of General Services process for a Request for Proposals (RFP). DNR notified all those on the Targeted Small Business list and sent copies of the proposal to all firms on the list of consultants certified through the Invitation To Quality (ITQ) process. After reviewing the submitted proposals, three people were selected for interviews. Pat McDermott from American Computer Services, Inc. scored the highest, and the interview team recommends him to be the One Stop Project Manager. He has the unique combination of qualifications needed for this large-scale integration and data exchange project. His experience as a Project Manager for a variety of Information Technology projects make him the most qualified.

No general fund monies will be used to meet these obligations. The source of funding for the project is the Network One Stop and Readiness grants from EPA.

At this time, the Department requests Commission approval to enter into a contract with American Computer Services, Inc. for a One Stop Project Manager.

Motion was made by Francis Thicke to approve the contract with American Computer Services, Inc. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

MEMORANDUM OF AGREEMENT BETWEEN THE U. S. ARMY CORPS OF ENGINEERS AND THE DEPARTMENT

Mary Skopec, Section Supervisor in the Water Monitoring Section presented the following item.

The Department requests Commission approval of a Memorandum of Agreement in the amount of \$51,700 between the U.S. Army Corps of Engineers, Rock Island District, and the Department for water quality monitoring.

The purpose of the Memorandum of Agreement (MOA) is to supplement the U.S. Army Corps of Engineers (COE) water quality monitoring at eleven sites associated with Coralville, Red Rock, and Saylorville Reservoirs. This is a cooperative monitoring project between the DNR and the COE to continue the long-term monitoring within the Des Moines and Iowa rivers. These eleven COE sites are extremely valuable because they represent the longest monitoring records in the state. This MOA provides funding for five parameters: total phosphate, dissolved orthophosphate, total nitrogen, dissolved silica and total organic carbon. These parameters provide critical information on the movement of nutrients in Iowa streams. The agreement between the COE and DNR also provides comparability in monitoring efforts conducted by the two agencies. The supplemental MOA is an on-going project and has been in place since fiscal year 2000. All data are provided to the DNR in monthly reports and summarized in an annual report.

Funding for this agreement is available from the RIIF state funds appropriated as part of the Environment First Fund, Iowa Water Quality Initiative.

Motion was made by Darrell Hanson to approve the MOA between the US Army Corp of Engineers and the Department. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - UNIVERSITY HYGIENIC LABORATORY – AMBIENT WATER QUALITY MONITORING FOR FISCAL YEAR 2004

Mary Skopec, Section Supervisor of the Water Monitoring Section presented the following item.

The Department requests Commission approval of contract in the amount of \$1,520,550 with the University Hygienic Laboratory (UHL) for water monitoring activities.

This contract encompasses the majority of surface water monitoring conducted as part of the state-wide water monitoring program and is the primary basis for assessing the state's stream water quality. The purpose of the monitoring program is to define the condition of Iowa's water resources, characterize existing and emerging issues by geographic extent and magnitude, measure changes or trends in Iowa's water quality, and provide information to citizens and decision makers. To meet these goals, the Department utilizes the University Hygienic Laboratory for field sampling and analytical services. As part of this contract, UHL collects water samples at 81 stream sites throughout the state on a monthly basis and analyzes the water for a variety of parameters including nutrients, pesticides, pesticide break-down products, bacteria, synthetic organic compounds, metals, and water chemistry. Twenty-three of these sites are located upstream and downstream of 10 large cities to measure the influence of urban areas on surface water quality. Because many of the water quality parameters of interest reach their peak concentrations during high stream flows, seven sites are sampled more frequently during runoff events to assess the impacts of heavy rainfall on stream quality. Funding for the citizen monitoring program, IOWATER, is also provided through this contract and includes the costs associated with training workshops (Level 1, Level 2, and Level 2 modules), three staff

positions, and equipment for volunteers. The contract contains provisions for special water quality studies that allow the Department to follow-up or verify abnormal results or pursue questions in greater depth or to develop monitoring partnerships with local watershed groups to collect data on watersheds of interest. The contract also covers two GIS (Geographic Information System) staff positions to help the DNR with data management activities such as the development of the Department's One-Stop database, which integrates all the regulatory databases and locating facilities of interest.

Funding for this agreement is available from the State's Environment First Fund appropriated as part of the Iowa Water Quality Initiative and Federal Clean Water Act funds through 106 grants.

Motion was made by Donna Buell to approve the contract with UHL. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT WITH THE UNITED STATES GEOLOGICAL SURVEY FOR STREAM GAGING AND GROUNDWATER LEVEL MEASUREMENTS

Mary Skopec, Section Supervisor of the Water Monitoring Section presented the following item.

The Department requests Commission approval of a contract in the amount of \$224,195 with the United States Geological Survey (USGS) for stream gaging and groundwater monitoring activities.

This contract continues the cooperative cost-share agreement between the Department and the USGS for a variety of activities including the measurement of stream flows, measurement of groundwater levels, sampling of municipal wells for groundwater quality, and measurement of sediment concentrations in streams. The majority of the contract amount will be used for stream gaging at 23 stream sites and 4 lake stations. Continuous stream discharge measurements at the USGS gages can be used to predict flooding as well as irrigation water supply. The measurement of stream flow is a critical element of a water-monitoring program because it is used in the calculation of mass loading of various contaminants to receiving water bodies. Similarly, this contract contains \$52,200 in funding for the measurement of groundwater levels across the state. These groundwater level measurements help to locate areas where groundwater is being withdrawn in excess of natural recharge levels or where drought conditions have negatively impacted the water levels. The final portion of the contract reinstates sediment sampling at 5 stream gaging stations at a cost of \$40,250. Two of these stations (Iowa River at Wapello and Skunk River at Augusta) were supported by the U.S. Army Corps of Engineers (COE) as long-term sediment stations for more than 20 years. When fiscal year 2002 budget cuts to the COE eliminated funding for these sediment stations, the Department incorporated these stations into the USGS contract to preserve the data record.

Funding for this agreement is available from State General Funds and the RIIF state funds appropriated as part of the Iowa Water Quality Initiative.

Motion was made by Lori Glanzman to approve the contract with USGS. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

KARI CARNEY, representing ICCI members urged the Commission and Department to consider the following comments:

- Happy to hear that the Department is staying with the proposed standards from the University study for hydrogen sulfide, which was 15 ppb as a health risk standard.
- Encouraged the Department to make sure that their Technical advisory groups are well diversified and the meeting location is central to the most involved.
- An ammonia standard is needed.
- An enforcement component should be set in place along with violations.

RICHARD LEOPOLD, Executive Director of the Iowa Environmental Council shared the following comments on agenda item 13 – Final Rule – Chapter 69 and renewal of NPDES General Permit No. 4 for private onsite wastewater treatment systems.

The Iowa Environmental Council supports the proposed final rule as modified following the public comment period. The changes in this final rule document address most of the Council's concerns and recommendations expressed in our July 11, 2003 comment letter to the department.

We appreciate the attention paid by DNR to our comments and the significant changes that were made to the original proposal that assure that monitoring records will be sent to the department as well as the county and that action must be taken if a sample does not meet the effluent limits.

However one concern expressed in our comment letter was not addressed in the Responsiveness summary. This concern was the lack of any mention of protection for losing streams in the proposed general permit. Because of the serious potential impact to underground sources of drinking water from septic tank discharges, the Council recommended General Permit #4 not be allowed from septic systems that discharge to losing streams. While Chapter 69 specifically prohibits wastewater discharges to sinkholes, it does not mention losing streams.

Losing streams are, however, mentioned in Iowa's water quality standard (Chapter 61) which prohibits new wastewater discharges to watercourses that directly or indirectly enter sinkholes or losing stream segments. Iowa's water quality standards require that for existing wastewater discharges, the water entering a sinkhole or losing stream segment, regardless of the water body's designated use, shall not exceed a Geometric mean of 126 cfu/100 ml or a sample maximum of 235 cfu/100 ml.

The Council recommends that a prohibition of new septic system discharges to losing streams should be expressly stated in Chapter 69 and general permit #4. Since this was not part of this rulemaking effort, we would like to suggest that this rule be considered in the future.

For existing septic systems, bacteria testing should be required for any septic system that may be impacting a losing stream segment. To add this protection for losing streams, the Council would like to offer the following changes in the final rule:

In section 69.9(1) *general requirements*

In the last sentence of part c. Sampling, add “**or a losing stream segment**” to the end of the sentence, to read:

E. coli tests shall only be required where effluent is discharged into (directly or within one mile up gradient of the shoreline of) “Class A1”, “Class A2”, “Class A3” or “Class C” water **or a losing stream segment**.

(a handout was given to the Commissioners with comments from the Iowa Environmental Council)

MIKE BLASER, Iowa Select Farms commented on item 16 – Informational item on the phosphorus Index rule. On pages 8 and 9 of the rule, on page 8 there are proposed changes to rule 65.17(12-13) which would change the current rule to maintain plans and plan records at a centralized location and as long as that information is provided to the field office within 48 hours after request that is acceptable. This change would say that you must maintain all plans and plan records at the confinement site.

Concerning 65.17(13) which would impose, for the first time, on only folks subject to manure management plans an obligation to somehow keep track of when farmers accepting manure is applying commercial fertilizer to their field.

The reason I bring up these two issues up are because they are not apart of NRCS Technical Note 25. I just ask you to be aware of these and perhaps have a more substantive discussion of these two items.

CONTRACT – IOWA INDUSTRIES OF THE FUTURE 2004

Lori McDaniel, Energy & Waste Management Bureau presented the following item.

The Commission is requested to approve the contract for services between the Department and Iowa State University (Contractor), to continue the development of the state-level Iowa Industries of the Future (IOF) Program for water/wastewater processes. The contract amount is not to exceed \$50,000 for the period October 15, 2003 through September 30, 2004. This expenditure will result in developing a vision and roadmap document on Best Practices, productivity improvement, and energy and waste reduction efforts. Research opportunities will be identified and prioritized; appropriate Best Practices will also be identified and information disseminated. A sample list of work items the Contractor will perform include, but is not limited to:

- Update the Iowa Industries of the Future web site with additional information regarding Iowa outcomes of visioning workshops
- Disseminate information through the ISU Extension network including national and state vision and roadmap documents, material on BestPractices programs, and information on research;
- Develop the water/wastewater vision and road map.

Background

Water use and wastewater treatment represent crosscutting issues that affect many different industry sectors and most communities. Industries that have water/wastewater treatment issues can be divided into two categories. Those with their own wastewater treatment facilities and individual National Pollutant Discharge Elimination System (NPDES) permits and those that discharge into a municipal wastewater treatment system. Discharge from these industries is controlled through an industrial pre-treatment agreement negotiated between the City and the industry. The city is responsible for management and administration of the agreement with the industry. The United States Environmental Protection Agency (USEPA) has in place pretreatment requirements (guidelines) for industries by SIC code. These are considered minimum requirements. Each individual city may choose to set local limits for their industries in order to manage the total concentration and pollutant loads for individual contaminants.

To address water/wastewater in the different industry sectors, the Department proposes to facilitate the formation of a Water/Wastewater Alliance Steering Committee and develop a Water/Wastewater Vision and Roadmap. The Water/Wastewater Alliance Steering Committee will include companies with strong relationships to water/wastewater processes. The steering committee will be invited to attend workshops that will be held to define an Iowa-aligned vision, set performance targets, create a roadmap for attaining the vision and identify a prioritized agenda.

Contractor Selection

The Iowa Department of Natural Resources subcontracts the State Industries of the Future effort to the Center for Industrial Research and Service (CIRAS), Iowa State University. CIRAS provides the vehicle by which the university carries out its land grant mission to Iowa's manufacturers by providing assistance to help them identify industrial problems and connect them with the latest technical information. It will be easier for the Industries of the Future process to become self-sustaining because of this link to ISU industrial extension.

No general fund monies will be used to meet these obligations. Funding for this contract is from the U.S. Department of Energy.

At this time, the Department requests Commission approval to enter into a contract with Iowa State University to complete Iowa Industries of the Future 2004.

<i>Motion was made by Lori Glanzman to approve the contract with Iowa Industries. Seconded by Terry Townsend. Motion carried unanimously.</i>

Darrell Hanson abstained from voting due to a working relationship with Iowa State University.

APPROVED AS PRESENTED

STATUS OF WASTE TIRE MANAGEMENT IN IOWA

Mel Pins, Environmental Specialist of the Energy and Waste Management Bureau presented the following item.

Background

This brief is provided to the Commission as an overview of the issues and trends involved in the proper management of waste tires as a component of the solid waste stream.

Iowans generate over 3 million waste tires every year. That equals one tire, per person, per year, with an equivalent weight of more than 30,000 tons of waste tires generated in Iowa annually (less than 1% of the overall solid waste stream). As the number of vehicles on our roadways continues to grow, and annual mileage traveled by vehicle owners increases, so will the number of waste tires that must be dealt with once they have served their original purpose. Disposal options for old tires are limited, as landfills do not accept whole tires for final disposal. However, recycling options and markets for products derived from waste tires have continued to grow within the state.

The Legislature and the Department have made great efforts to address tire management issues, and much progress has been made in ensuring that waste tires are disposed of properly, and processed or recycled, rather than becoming an environmental hazard and nuisance on the landscape.

Disposal laws and regulations

By law, land disposal of waste tires was prohibited beginning July 1, 1991 (Code of Iowa 455D.11), including the disposal of whole waste tires in landfills. The landfill ban on whole tires was the result of the fact that waste tires disrupted the integrity of buried solid waste. As tires do not compress well, upon burial the hollow, inner space of the tire traps air, resulting in tires that tend to “float” to the surface of the landfill. Tires buried long ago often rise to the surface of landfills, disrupting overburden and soil caps over the buried solid waste.

Along with the ban on burial of whole waste tires, the following laws also apply to waste tire disposal and management:

Open burning of waste tires is prohibited

The storage of more than 500 waste tires is not allowed, unless a permit is obtained

Waste tire processing and storage facilities must be permitted by the department

Waste tire haulers are required to register with the department

Challenges and Successes with Waste Tires

While a number of Iowa businesses involved in tire processing saw success and maturity in this new field of recycling, local and state environmental officials were beginning to receive reports of numerous waste tire stockpiles. These stockpiles were the result of some failed tire recycling endeavors, but most others were the result of old tires that had been dumped into ravines, woods, or pastures on farmsteads, as well as tires left abandoned in buildings and warehouses. By 1995 state officials had estimated that more than 6 million tires were contained in more than 60 waste tire stockpiles across Iowa, with one site in Webster County containing 3 million tires.

Seeing the need to provide a more comprehensive approach to effective waste tire management, in 1996 The Iowa General Assembly passed legislation (HF2433), establishing a waste tire management fund, with a total of \$15 million to be allocated to the department over six fiscal years (1997-2002). These funds were to be used for the development of programs to encourage the proper management of waste tires by citizens, the expansion of end-use markets for products produced from waste tires, and the clean up of waste tire stockpiles that posed a threat to the environment and the public.

Through the department's implementation of this program, between 1996 and 2002 the following results were achieved:

10 million tires, in more than 80 tire stockpiles, were removed and recycled through contractors hired by the department.

96 Iowa counties participated in a county grant program, in which funds were allocated for local tire collection events from the public; another 3.5 million tires were recovered from ditches, alleys, and backyards through the county grant program.

Public education on proper tire disposal has been conducted at the local level, including cooperative counties developing the "Iowa Tire Initiative" to reach citizens through television, radio, and other media on a statewide level.

In-state markets for processed tires have increased in diversity, and more than doubled through volume, with assistance from the tire fund's end-user incentive program. In 1996 two million tires were marketed in Iowa to a single cement kiln that used tires for fuel. By 2002 more than 4.5 million processed tires were marketed, not only as fuel, but as filter and aggregate material in civil engineering products, and as crumb rubber for use in athletic tracks and sports surfacing, as well as in safer surfaces for playgrounds.

Status of Waste Tire Management Today

The management of waste tires in Iowa today has matured greatly as compared to the last decade. Today the amount of waste tire material recycled and marketed in Iowa has more than doubled as compared to the quantities of just five years ago. Businesses involved in tire recycling produce diverse products for many markets. An overview of current waste tire management practices in Iowa includes the following:

Four (4) waste tire processors located in Iowa, each permitted by the department

One (1) permitted waste tire storage facility

Twenty-eight (28) registered waste tire haulers, providing tire pickup and disposal services statewide

Administrative rules and permit formats have been amended and improved by the department, to ensure more effective management of waste tires, thus reducing risks to the environment and the public.

Markets include a diverse range of uses of processed tires, from fuel and civil engineering uses for tire chips, to the use of crumb rubber in molded rubber products, and in playgrounds, athletic tracks, and sports surfaces.

Keeping Waste Tire Management on Track

Iowa has faced significant challenges in regard to waste tire management, with a number of lessons learned, as well as many successes in moving old tires from a waste to recycling and reuse. However, even with the success of these programs, it is important to ensure that Iowa continues to have a comprehensive approach to waste tire management. Many other states that have had previous success in cleaning up old tire stockpiles, or encouraging market development, then discontinued their tire programs, believing the issues to be “solved.” These states are now experiencing a resurgence of tire stockpiling, improper disposal, and businesses collecting tires without sound business and market plans.

Iowa must ensure that adequate resources and funds are available to build off the success of the management work achieved to date. Iowans will continue to generate millions of waste tires each and every year, the challenge remains to keep those tires on track for proper disposal and recycling.

INFORMATIONAL ONLY

FINAL RULE --AMEND CHAPTER 117 “WASTE TIRE MANAGEMENT”

Mel Pins, Environmental Specialist of the Energy and Waste Management Bureau presented the following item.

Attached for the Commission’s consideration as a final rule are amendments to administrative rule 567 chapter 117 “Waste Tire Management.” The request for action on this rule chapter will allow the department to include appropriate references to enforcement authority and penalties for non-compliance with provisions of this rule chapter, as contained within Iowa Code chapter 455B.301 through 455B.307.

Inclusion of references to these Iowa Code chapters will ensure that the department has the necessary authority to enforce compliance with the rule chapter. These amendments will provide greater effectiveness, clarity, and consistency with legislative intent and statutory authority for waste tire management and regulation.

A public hearing for these rule amendments was held on September 10, 2003. No comments were received.

Motion was made by Darrell Hanson to approve the amendments to Chapter 117. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE - CHAPTERS 20, AND 22, CONTROLLING POLLUTION (DEFINITIONS)

David Phelps, Supervisor in the Construction Permit Section presented the following item.

At next month's Environmental Protection Commission meeting, the department will be requesting permission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapters 20 "Scope of Title, Definitions, Forms, Rules of Practice" and Chapter 22 "Controlling Pollution" 567 Iowa Administrative Code. The purpose of this rulemaking is to consolidate and modify several definitions used in the air program.

This rulemaking is the result of extensive discussions with various stakeholders that started in 1999. At that time, the department asked a group of industries particularly concerned with Prevention of Significant Deterioration (PSD) permitting issues, as well as representatives of Iowa public interest groups, to participate in a PSD Taskforce. This Taskforce focused on ways to speed up and simplify the PSD permit review process. From that discussion the department decided, in 2000, to begin its own PSD reform effort.

Originally the department intended to address individual issues one at a time in separate rulemakings. Issues were selected to address specific complications that arose during permitting efforts and the possible solutions that were identified by construction permitting staff. As the list grew, the department decided to establish a PSD Advisory Group made up of representatives of a variety of companies with specific interest or involvement in PSD review issues as well as representatives of the Iowa Association of Business and Industry (ABI), Iowa public interest groups, the Polk and Linn County local air programs, and the U.S. EPA. This new group of industry representatives met from late 2002 through early 2003.

Specific definitions were discussed in the January, 2003 PSD advisory Group meeting. Following that discussion revised definitions were discussed in the March, 2003 PSD Advisory Group meeting. Comments made at that time were incorporated into the definitions. Following the conclusion of scheduled PSD Advisory Committee meeting, department staff review resulted in a number of additional changes. Final comments were solicited from the members of the PSD Advisory Group in September 2003. No comments were received dealing with any of the details contained in this proposal.

This proposed rule addresses the determination of which activities and emission units make up a single stationary source. This proposal establishes specific definitions that establish specific criteria for making that determination.

Current definitions do not include several terms that are particularly important in making stationary source determinations. The result is the development of working definitions of the terms derived from thirty years of U.S. EPA correspondence about previous decisions. This correspondence seldom establishes any clear criteria as the basis of the decision, often appears to change whatever criteria did exist, and, all too often, reaches conflicting conclusions. This results in a very imprecise definition that varies from permit action to permit action depending on what U.S. EPA correspondence appears relevant. It also slows the review process since it requires a fresh review of U.S. EPA correspondence each time the issue arises. This proposal establishes a single specific set of criteria for making these decisions. Where possible this proposal uses the impact on the environment as the criteria for making the decision instead of institutional factors that appear to dominate U.S. EPA correspondence.

This proposed rule would also establish a single set of definitions for all air program activities. Currently each permit program has its own set of definitions. These definitions vary slightly from permit program to permit program. These variations frequently arise in U.S. EPA decisions with some correspondence reducing the distinctions and some accentuating those differences.

If the Environmental Protection Commission approves the Notice of Intended Action, a public hearing will be held on January 8, 2004. The public comment period on the proposed rules will close on January 9, 2004.

An Administrative Rule Fiscal Impact Statement is attached. There will be net positive fiscal impact from this rulemaking.

There are about 200 - 300 PSD permits in Iowa.

This will come back next month for decision as a Notice of Intended Action.

INFORMATIONAL ONLY

Kathryn Murphy informed the Commission that we will take up Item 14 – Contract for Interactive Web-based Mapping, Item 15 – Contract for Certified Operator Tracking database and Item 16 – Proposed Rule, Amendment to Chapter 65.17 before Item 13 – Final Rule – Chapters 64 and 69 Renewal of General Permit No 4.

CONTRACT FOR INTERACTIVE WEB-BASED MAPPING AND PLANNING SYSTEM FOR THE SOURCE WATER PROTECTION PROGRAM

Chuck Corell, Acting Chief of the Water Quality Bureau presented the following item.

Commission approval is requested for a contract with Environmental Systems Research Institute, Inc. (ESRI) to develop and deploy an interactive web-based tool for use in updating and promoting the use of source water assessments. Each state was required to perform source water assessments for its public water systems by the 1996 amendments to the Safe Drinking Water Act. The assessments included a delineation of each system's source water, a listing of potential

contaminant sources that might affect each source, a summary of the susceptibility of each source to the potential contaminant sources, and a means of providing this information to the public as required by Environmental Protection Agency (EPA) guidance. Iowa has nearly completed its source water assessments and has chosen to use a web-based system as one means of making them available to water systems and the public they serve.

The assessments are being completed by the Iowa Geologic Survey and have been developed using existing information; no field verification has been performed. As a result, IDNR is aware that some data used for the assessments is outdated or incorrectly located. One function of the proposed system will be to allow public water systems to electronically update their assessments on-line using an interactive mapping tool. This will allow them to add, delete, or relocate contaminants to more accurately assess the risk of contamination to their water sources. These assessments will be available for viewing on the Internet by the public on a read-only basis. Accurate assessments are key to the next phase of the program, development of protection plans for the water sources.

The Department put out a request for proposals for this project in April of 2003 and received 13 proposals in response to the request. A five-person committee evaluated the proposals and eliminated 11 of the proposals on the basis that they did not address the need for an interactive mapping component as required in the request for proposals. On-site interviews were conducted for the remaining two bidders, and ESRI was selected as the top candidate based on its reputation as the industry leader in developing and utilizing Geographic Information System (GIS) software, which will be an integral part of the project. The project cost estimates provided by the top two bidders were not significantly different, and the candidate that was not selected would have contracted the GIS portion of the project to ESRI, so it was decided to use ESRI for the entire project and eliminate any time or communication constraints that an additional contractor might cause.

The cost of the contract is estimated at \$300,000. This will include application design, programming, implementation and training of IDNR staff, and software licenses. The Department applied for and received \$48,720 in grant funds from the EPA Region 7 for this project, which will be used as a national model. The remainder of the project will be funded through funds set aside in the Drinking Water State Revolving Fund for source water protection activities. No state funds will be utilized for this project.

Motion was made by Lori Glanzman to approve the Contract as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT FOR CERTIFIED OPERATOR TRACKING DATABASE

Chuck C. Corell, Acting Chief of the Water Quality Bureau presented the following item.

Commission approval is requested for an amended contract with Systems Management, Inc. (SMI) for an additional \$44,025.00 to complete the development of a database for tracking operator certification processes.

The cost of the original contract was \$94,345. This was based on the proposal that specified the use of the Montana operator certification software with a minimum of modification. During the Detail Design phase, additional modifications to the software were identified to meet the requirements of the Iowa Operator Certification program. Those identified include:

- modification of the application to allow more flexibility in tracking
- combining certificate printing and application processes into one step
- documenting fee payment sources and status
- additional program documentation (system design specifications)
- migration of additional data
- 125 hours of on-going contractor support

This amendment modifies the contract to provide the listed modifications to the software. On-going contractor support is required to maintain service to our customers until support personnel are more knowledgeable and can maintain software support without assistance.

The nature of the tasks in this support phase means that SMI will perform the task for an amount not to exceed the amount originally estimated for the task. If SMI completes the task in less time or cost, the full amount of the estimate will not be billed.

The original agreement was approved, as required by Subsection 455B.105(7) of the Code of Iowa, by the Environmental Protection Commission on February 17, 2003

Motion was made by Darrell Hanson to approve this contract on the condition that the additional money will be paid by EPA, if not it will come back before the Commission. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE – AMENDMENT TO CHAPTER 65.17 – INCORPORATING THE PHOSPHORUS INDEX INTO MANAGEMENT PLANS

Jeremy Klatt, Nutrient Specialist in the Environmental Services Division presented the following item.

Iowa Code 2003: Section 459:312, directs the department to develop rules that require manure application from a confinement feeding operation utilize the phosphorus index to determine application rates. Thus, the proposed rules were developed to amend 67 Iowa Administrative Code 65.17, using Iowa Technical Note No. 25 – Iowa Phosphorus Index as a basis.

The following information was presented to the Commission:

Phosphorus and Manure Management

- Nitrogen based manure management often increases soil P
- Research shows relationship between soil P and P concentrations in runoff.
- Continued over-application of P increases the potential risk of P loss for a field. (particularly when manure is annually applied at N-based rates)

Overview of Phosphorus Loss

- Phosphorus loss is a function of source and transport factors
- Source factors:
 - Soil P
 - P applications
- Transport factors:
 - Erosion
 - Dissolved in surface runoff
 - Subsurface drainage

Overview of Phosphorus Loss

- Phosphorus losses should be greatest where both source and transport factors are conducive to P loss.
- Not necessarily in areas with high soil P
 - High soil P but low runoff and erosion potential could = low P loss.
- Likewise, low soil P doesn't necessarily indicate low P loss.

Advantage of P-index

- Comprehensive approach to assess potential P loss
- Considers both source and transport factors
- More flexible than using soil test P alone
 - Agronomic "high" soil tests indicates no P needed for crop production.
 - Doesn't necessarily indicate high risk of P loss.
- Less restrictive than soil P alone.

Iowa P Index

- Developed by:
 - Iowa State University
 - Iowa USDA-NRCS
 - USDA – ARS National Soil Tilth Laboratory
- Based on available Iowa research and scientific judgment when research data were incomplete.
- Iowa Technical No. 25
- Considers soil, landscape, and management practices that influence P loss.
- Provides a risk rating.
- Provides an interpretation of risk rating
- Can be used to identify causes of high P loss, provide options to reduce P movement.
- Inputs needed to run index:

- RUSLE, ephemeral, gully erosion
 - Distance to center of field to intermittent stream
 - Recent soil test P value
 - Agronomic soil test
 - Soil type
 - Conservation practices (buffers, terraces, etc)
- Excel spreadsheet does calculating
- Three components:
 - Erosion
 - Surface runoff
 - Subsurface drainage
- Sum of three components gives a comprehensive estimate of P loss from the field.

Erosion component

- Total gross soil erosion estimates (RUSLE, ephemeral, gully)
- Sediment trap factor
- Sediment delivery ratio (SDR) factor
- Buffer strip factor
- Sediment enrichment factor
- Total soil P factor

Runoff Component

- NRCS Runoff Curve Number
- County average precipitation
- Soil test P runoff factor
- P application factor:
 - Rate effect on soil test P increase
 - Method and Time of application

Subsurface drainage component

- A 10% flow estimate
- Presence of tiles or sandy subsoil recharge to surface water. yes/no: value = 0 if no
- County average precipitation
- Soil-test P drainage factor:
 - 0.1 if STP < 100 ppm Bray 1-P
 - 0.2 if STP > 100 ppm Bray 1-P

Iowa P Index

- Sum of erosion, runoff and subsurface drainage component = estimate of P delivered from the field.
- Erosion and soil P largely dictate results of P index.
- Output is a number or risk rating
- Risk rating can be interpreted using risk categories provided.

P-Index Risk Interpretation Classes

- Very Low (0-1): Current practices result in small impact on surface water resources.
- Low (1-2): P loss is greater than from a site with very low but current practices keep water quality impairment low.
- Medium (2-5): P loss produces some water quality impairment. Consider management practices that do not increase risk of P loss.
- High (5-15): Large impact. New soil conservation and/or P management practices must be implemented.
- Very high (>15): Extreme impact. New soil conservation practices plus a P management plan that may require discontinuing P applications must be implemented.

Iowa P Index

Implementation of P index to encourage:

- Adoption of conservation practices where needed to reduce risk of P loss.
- Consideration of the effect of manure management practices on soil P (minimize annual applications of manure)
- Use of P-based rates when necessary to maintain P risk

Discussion continued about flow-weighted annual nitrate-nitrogen concentrations (mg/L) by treatment with all (including high and low flow) reps, effects of experimental treatments on average NO₃-N concentrations with subsurface tile drain water and the effects of experimental treatments on average NO₃-N losses with subsurface tile drain water.

This item will come back next month as a Notice of Intended Action.

(a handout on Manure Application to Soybean—Ongoing Research in Iowa was given out to Commissioners. A copy is filed in the Department's Record Center.)

INFORMATIONAL ONLY

FINAL RULE—CHAPTERS 64 AND 69, RENEWAL OF GENERAL PERMIT NO. 4

Chuck C. Corell, Acting Chief of the Water Quality Bureau presented the following item.

The Commission will be asked to approve a final rule to amend and renew the NPDES General Permit No. 4 that authorizes wastewater discharges from private, onsite wastewater treatment systems and to amend Chapter 69 -- On-Site Wastewater Treatment and Disposal Systems and Chapter 64 -- Wastewater Construction and Operation Permits. The amendments, if approved, would:

- Require that effluent sampling for compliance monitoring be conducted by a "qualified sampler", effective January 1, 2005
- Change the bacterial effluent compliance testing from fecal coli form to *E. coli* and to establish a limit of 235 CFU/100 mL for systems that discharge within one mile upstream of a Class A1, Class A2, Class A3, and a Class C water

- Increase the effluent sampling frequency for free access sand filters from once a year to twice per year
- Allow for coverage under this permit for systems installed prior to 1998, when the General Permit No. 4 was established

The proposed rules were published as a Notice of Intended Action in May 2003 and six public hearings were held. A responsiveness summary addressing the comments received was prepared and is attached.

The primary significant change from the NOIA is that the final rule will allow homeowners and maintenance contractors to be "qualified samplers" to conduct effluent sampling for compliance monitoring of the systems they maintain. This item was originally presented to the Commission in May with the recommendation that homeowners and maintenance contractors not be allowed to conduct effluent sampling for compliance monitoring, to eliminate a potential conflict of interest. There was strong opposition to this restriction at the public hearings in July. Therefore, the restriction was eliminated for homeowners and maintenance contractors who complete DNR-approved training to become "qualified samplers". Implementation of the "qualified sampler" requirement will also be delayed until January 1, 2005 to allow time for the Department to develop and implement an effluent sampling training program.

Comments were requested in the public hearings regarding the need for effluent sampling for TSS (total suspended solids). Comments were received in support of and in opposition to retaining TSS sampling. The Department believes the benefits of the TSS testing outweigh the costs and therefore recommends retaining the TSS sampling requirement in the renewed permit.

DNR staff have made additional wording changes to General Permit No. 4 since the public hearings, for clarity and consistency.

Chuck Corell asked for the Commission's approval to postpone this item until next month.

Motion was made by Darrell Hanson to table item 13 – Final Rule Chapter 64 and 69 Renewal of General Permit No. 4. Seconded by Terry Townsend. Motion carried unanimously.

TABLED

EMERGENCY RULE MAKING FOR AMENDMENTS TO MANURE APPLICATOR CERTIFICATION RULES

Jeff Prier, Environmental Specialist in the Environmental Services Division presented the following item.

This project is 100% federally funded from EPA grant # CT98715601 for operator certification training and database support.

The Commission is requested to approve amended rules and new definitions, as outlined in 2003 Iowa Acts, House File 644. The department is requesting the Commission's permission to utilize a "double-barrel" approach, meaning that both emergency rule making and regular rule making processes will be implemented simultaneously. The department is utilizing emergency rule making to implement the amended manure applicator certification by January 1, 2004, and the regular rule making process to allow for public comment.

The purpose of the proposed rules is update terminology, certification fees and education fees for confinement site and commercial manure applicators, as directed by legislation.

Heidi Vittetoe and Darrell Hanson expressed their concern on the certification and the fees process.

Jeff Prier updated the Commissioners on the process and what steps need to be taken to obtain the proper certification.

Motion was made by Heidi Vittetoe to approve the amendments to the Manure Applicator Certification rules. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

CONTESTED CASE APPEAL - IOWA SELECT FARMS, L.P.

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

On October 14, 2002, the department issued Administrative Order No. 2002-AFO-32 to the above party. The Order required compliance with separation distance requirements and payment of a \$10,000 penalty. The Order was appealed, and the matter was submitted on a stipulation of facts, written briefs, and oral argument on June 9, 2003. The Administrative Law Judge issued the attached Proposed Decision on July 2, 2003. The decision affirms the Order with the exception of reducing the penalty to \$3,100.

Both parties have appealed this Proposed Decision to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mike Murphy stated the Commission's options to either listen to the arguments of the parties and then decide to either affirm the Administrative Law Judge's decision or to modify it and state your reasons for your modifications. This case involves the Stockdale unit in Hardin County. It

was constructed in 1994 after a construction permit was issued by the Department. At that time the law required that the lagoon be separated from the nearest residence by at least 1,875 feet. The construction engineering plans that were submitted to the Department indicated that it would be 1,900 feet. Our field staff went to the site and observed the field, and concluded that the lagoon could be built to meet the separation distance. In May 2002, we investigated a complaint and learned that it was 29 feet too close. Iowa Select was told to correct the defiance. Iowa Select first attempted to get the owner of the residence to waive the separation distance, and ultimately submitted a proposal to reconfigure the lagoon so that the distance would be met. In October 2002, the Department issued an administrative order to give them 60 days to correct the problem and assess the \$10,000 penalty. Iowa Select appealed and completed the modifications to the lagoon so that it was in compliance. The issue is the \$10,000 penalty. The \$10,000 penalty is reasonable for the violations alleged, if you agree with the department's position that there were continuing, daily violations. The department agrees that if you affirm the ALJ's finding that only one violation is involved in this case, then a \$10,000 penalty is not warranted. If you agree that there are daily violations then I ask that you modify the language as indicated in the draft final decision, if you affirm the law judge's findings that there is only one violation, I ask you to amend the order to overturn the ALJ's finding that the department does not have the authority to assess administrative penalties for multiple days of violation, because that finding is unnecessary.

Motion was made by Francis Thicke to adopt the Department's exception and brief with the following reasons: 1) Iowa Select should have exercised strict oversight of the engineering contractor that constructed the lagoon. 2) Since the Stockdale unit was operational during the period of the violation; it was an ongoing violation. 3) Reducing the penalty would threaten the integrity of the regulatory program. Seconded by Donna Buell. The roll call vote went as follows: Lori Glanzman – nay, Darrell Hanson – nay; Heidi Vittetoe – nay; Donna Buell – aye; Terry Townsend – nay; Francis Thicke – aye; Kathryn Murphy – nay. Motion did not carry.

Motion was made by Heidi Vittetoe to accept the decision of the Administrative Law Judge. Seconded by Terry Townsend.

This is a motion to amend the original motion.

Motion was made by Darrell Hanson to amend the motion by stating that we will delete the section of the Administrative Law Judge's decision that relates to the question of the department's authority to assess administrative penalties for more than one day of violation. Seconded by Donna Buell. Motion carried unanimously.

Approval of the original motion with the amendments as stated above. Motion carried.

APPROVED AS AMENDED

APPEAL OF CONTESTED CASE DECISION – PIPER MOTOR COMPANY, INC. AND BRUCE PIPER

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

On April 17, 2002, the department issued Administrative Order No. 2002-WW-18 to the above parties. The Order required the parties to comply with wastewater monitoring requirements, to connect to the City sewer system, and to pay a penalty of \$10,000. The Order also included a Notice of Intent to Deny permit renewal. The Order and Notice were appealed, and the matters proceeded to administrative hearing on June 10, 2003. The Administrative Law Judge issued the attached Proposed Decision on July 2, 2003. The decision affirms the Order and Notice.

Mr. Piper has appealed this Proposed Decision to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mike Murphy asked the Commission to table this item.

Motion was made by Darrell Hanson to table the Appeal of Contested Case Decision – Piper Motor Company Inc and Bruce Piper. Seconded by Lori Glanzman. Motion carried unanimously.

TABLED

REFERRALS TO THE ATTORNEY GENERAL

Michael P. Murphy, Chief of Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

JOHN AND LAURA KRAMER, FDBA JOHNNY B GOOD'S [DYERSVILLE] – DRINKING WATER/PENALTY

Mike Murphy said that there was a \$500.00 penalty assessed for violation to the drinking water program while they owned and operated a restaurant in Dyersville. It has since been closed. The violations did occur and the order was issued.

Motion was made by Lori Glanzman to refer John and Laura Kramer to the Attorney General. Seconded by Terry Townsend. Motion carried unanimously.

REFERRED

BRETT BACHMAN, BACHMAN PORK, INC.

Motion was made by Darrell Hanson to refer Brett Bachman to the Attorney General. Seconded by Terry Townsend. Motion carried unanimously.

REFERRED

PAT SNOODY, HONEY CREEK CAMPGROUND

Mike Murphy said that an administrative order and a \$1,000 penalty was assessed for drinking water violations. He has corrected most of the physical problems but he has not yet paid his fees.

Motion was by Terry Townsend to refer Pat Snooddy to the Attorney General. Seconded by Darrell Hanson. Motion carried unanimously.

REFERRED

PEETERS DEVELOPMENT CO., INC., MT. JOY MOBILE HOME PARK

Mike Murphy asked that this item be withdrawn. He has responded and paid the penalty.

WITHDRAWN

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report

4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
October 1, 2003**

Proposal	Notice to Commission	Notice Published	Arc #	Review Committee	Rules Hearing	Comment Period	Summary to Commission	Final Rules Adopted	Rules Published	Arc #	Committee Review Rules	Effective Rules
1. Ch. 20, 22 – Controlling Pollution (Definitions)	10/20/03	*11/12/03		*12/02/03			*1/20/04	*1/20/04	*2/18/04		*3/02/04	*3/17/04
2. Ch. 21, Ch. 22, Ch. 23 and Ch. 25 – Air Quality Program Rules – Updates, Revisions and Additions	5/19/03	6/11/03	2525B	7/08/03	7/15/03	7/16/03	8/18/03	8/18/03	9/17/03	2774B	10/13/03	*10/22/03
3. Ch. 22 – Air Construction Permitting Exemption for Small Units	8/18/03	9/17/03	2775B	10/13/03	10/07/03	10/17/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04
4. Ch. 23 – Emission Standards for Contaminants – Open Burning	6/16/03	7/09/03	2597B	8/05/03	8/07/03	8/13/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04
5. Ch. 40, 41, 42, 43, 44, 81 and 83 – Drinking Water Operator Certification and Lab Certification Programs	8/18/03	9/17/03	2779B	10/13/03	10/7,8,10,13-15/03	10/17/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04
6. Ch. 60, 62, 63 – Wastewater Pretreatment Standards							9/15/03	9/15/03	10/15/03		*11/04/03	*11/19/03
7. Ch. 61 – Water Quality Standards	8/18/03	9/17/03	2776B	10/13/03	10/7,9,10,13,15,17/03	10/31/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04
8. Ch. 64, 69 – Renewal of General Permit	5/19/03	6/11/03	2526B	7/08/03	7/01-10/03	7/11/03	10/20/03	*10/20/03	*11/12/03		*12/02/03	*12/17/03
9. Ch. 65 – Animal Feeding Operations-Construction	7/21/03	8/20/03	2716B	9/10/03	9/11/03	9/11/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04

Standards												
10. Ch. 90, 91, 02 and 93 – Water Pollution Control Updates, Revisions and Additions	6/16/03	7/09/03	2595B	8/13/03	7/30, 31/03 8/04/03	8/04/03	9/15/03	9/15/03	10/15/03		*11/04/03	*11/19/03
11. Ch. 111 – Financial Assurance Requirements for SWLFs	9/15/03	10/15/03		*11/04/03	*11/05/03	*11/05/03	*11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/03
12. Ch. 117 – Waste Tire Management	7/21/03	8/20/03	2717B	9/10/03	9/10/03	9/10/02	10/20/03	*10/20/03	*11/12/03		*12/02/03	*12/17/03

Monthly Variance Report						
October, 2003						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Cambrex Charles City, Inc.	Air Quality		Permit Requirements	Approved	09/02/03
2	Koch Fertilizer Storage & Terminal Co.-Holstein	Air Quality		Permit Requirements	Approved	09/02/03
3	Deans Lake Outfall Sanitary Sewer-Des Moines Regional Wastewater Facility	Wastewater Construction	Veenstra & Kimm, Inc.	Sewer Grade	Approved	09/25/03
4	Hamilton, City of-(Iowa Rural Water Association)-Marion County	Wastewater Construction	Garden & Associates	Directional Boring, Sewer Slope	Approved	09/02/03
5	Lester, City of	Wastewater Construction	Five States Engineering Company	Number of Lagoon Cells	Denied	09/29/03
6	Dayton Meat Products Composting Facility-Malcolm	Solid Waste	Barker-Lemar Engineering Consultants	Compost	Approved	09/18/03
7	Metro Park East Sanitary Landfill-Polk County	Solid Waste	CHMM	Permit Conditions	Approved	09/23/03

8	Trans Ova Genetics-Sioux Center	Solid Waste		Compost	Denied	09/03/03
9	Cloverleaf Cold Storage-Sioux City	Watersupply Construction	Layne-Western	Siting Criteria	Approved	09/12/03
10	East Dickinson Pumping Station-Clay Regional Water	Watersupply Construction	DeWild Grant Reckert & Associates	Duplication Requirements	Approved	09./02/03
11	Plantation Country View Subdivision-Ridgeway	Watersupply Construction	Erdman Engineering	Construction Materials	Approved	09/05/03
12	Vernon Water Company-Dubuque	Watersupply Construction	IIW Engineers and Surveyors	Construction Materials	Approved	09/02/03
13	Village Oaks Subdivision-Blue Grass	Watersupply Construction	McClure Engineering Associates, Inc.	Siting Criteria	Approved	09/19/03

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period September 1, 2003, through September 30, 2003, 5 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	10 (4)	0 (0)	5 (2)	1 (2)	4 (0)	9 (3)	1 (0)	0 (1)	0 (0)	1 (2)
November	12 (9)	0 (1)	4 (2)	3 (2)	5 (4)	12 (8)	0 (1)	0 (0)	0 (0)	0 (1)
December	5 (3)	0 (0)	1 (2)	0 (0)	3 (1)	3 (2)	0 (0)	1 (1)	0 (0)	0 (1)
January	3 (1)	0 (0)	2 (1)	0 (0)	0 (0)	2 (1)	0 (0)	0 (0)	0 (0)	1 (0)
February	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	1 (0)
March	1 (3)	0 (0)	1 (1)	0 (1)	0 (1)	1 (2)	0 (1)	0 (0)	0 (0)	0 (1)
April	3 (6)	0 (0)	2 (4)	0 (1)	0 (1)	1 (6)	1 (0)	0 (0)	0 (0)	0 (3)
May	7 (6)	0 (0)	5 (3)	1 (3)	1 (0)	7 (2)	0 (4)	0 (0)	0 (0)	1 (3)
June	4 (0)	0 (0)	3 (0)	0 (0)	1 (0)	3 (0)	0 (0)	1 (0)	0 (0)	1 (0)
July	3 (4)	0 (1)	2 (2)	0 (1)	1 (0)	3 (2)	0 (2)	0 (0)	0 (0)	0 (2)
August	4 (2)	0 (0)	3 (2)	0 (0)	1 (0)	4 (2)	0 (0)	0 (0)	0 (0)	0 (1)

Environmental Protection Commission Minutes

October 2003

September	5 (4)	1 (0)	2 (3)	1 (1)	1 (0)	4 (4)	1 (0)	0 (0)	0 (0)	1 (2)
Total	58 (42)	1 (2)	31 (22)	6 (11)	0 (0)	50 (32)	3 (8)	2 (2)	0 (0)	6 (16)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This month.

1	2	3	4	5	6
3	1	0	0	0	1

DATE: October 1, 2003**TO:** EPC**FROM:** Mike Murphy**RE:** Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
American Shell Company, Inc. James L. Peach Fairport (6)	Underground Tank	Remedial Action	Order/Penalty \$6,200	8/22/03
Kenneth J. Ferguson, Ferguson Landscape Corp. d/b/a Ferguson Landscape Center Spirit Lake (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$3,000	9/02/03
Dennis Bandstra d/b/a Big Dutch, Sioux Center (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	9/2/03
Luxemburg, City of (1)	Drinking Water	Viability	Consent Order	9/8/03
F. J. Krob & Co., Linn Co. (1)	Wastewater	Prohibited Discharge; WQ Violations – General Criteria; Natural Resource Damage Claim	Order/Penalty \$2,000	9/8/03
Casey's Marketing Co., Jefferson (4)	Underground Tank	UST System Deficiencies	Order/Penalty \$5,224	9/12/03
Jeremy Mostek; Mitchell Town Pump, Mitchell (2)	Drinking Water	Construction Without Permit; Monitoring/Reporting – Bacteria, Nitrate; MCL – Bacteria; Public Notice	Referred to AG	9/15/03
Kevin Hohbach, Red Oak (4)	Animal Feeding Operation	Application in Excess of Crop Usage Rate	Referred to AG	9/15/03
Mark Buringrud f/d/b/a Carpenter Bar & Grill, Carpenter (2)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate	Referred to AG	9/15/03
Dickinson County Memorial Hospital Corp. aka Lakes Regional Health Care, Spirit Lake (2)	Air Quality	Permit Conditions	Order/Penalty \$1,500	9/17/03
Life-Line Emergency Vehicles, Sumner (1)	Air Quality	Construction Without Permit	Order/Penalty \$4,000	9/17/03
Van Middendorp Dairy, Sioux Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release; WQ	Order/Penalty \$2,500	9/17/03

E00Oct-27

Violations – General Criteria

River Valley Farms, Mahaska Co. (5)	Animal Operation	Feeding	Failure to Update Plan	Order/Penalty \$750	9/17/03
Greenman Technologies of Iowa, Inc., Des Moines (5)	Solid Waste		Other SW Violations	Order/Penalty \$2,000	9/17/03
U.S. Petro Mart, Inc.; Sukhdev Singh; B & H Food & Gas; U.S. Nation Mart; TECH, Inc., Davenport, Bettendorf (6)	Underground Tank		UST System Deficiencies; Responsibility	Order/Penalty \$15,400	9/24/03
ALCOA, Inc., Bettendorf (6)	Wastewater		Discharge Limits	Order/Penalty \$3,500	9/22/03

**IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU**

DATE: October 1, 2003
TO: Environmental Protection Commission
FROM: Michael P. Murphy
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

DATE	NAME/LOCATION	PROGRAM	AMOUNT	DUE
	Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
	Dorchester Supper Club (Dorchester)	WS	100	3-08-00
	Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
	R & R Ranch (Osceola)	WW	10,000	8-30-00
	Robert Watson (Griswold)	UT	1,700	9-03-00

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Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Coralville, City of (SEP)	WW	3,000	2-11-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Dan Carnicle; Beaver Service & Repair; Sharon Carnicle	UT	2,500	10-04-02
* John Smith d/b/a Four Corners Tap (Lockridge)	AQ/SW	350	10-15-02
Rayburn Court for Mobile Homes (Mason City)	WS	500	11-24-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Finley Mondia (West Chester)	UT	6,430	12-23-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
# Dave Jones (Union Co.)	AFO	1,550	2-14-03
Monsanto Company (Aplington)	AQ	3,000	2-14-02
* Moonshine Tap (New Hampton)	WS	200	2-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Lidderdale, City of	WS	500	3-04-03
Nevada, City of SEP	WW	3,000	3-14-03
* Allison, City of	AQ	1,000	6-01-03
Lidderdale, City of	WW	10,000	4-08-03
Bernard H. Cohrs; Cohrs Construction Co. (Dickinson Co.)	AQ/SW	7,000	4-09-03
John and Bernice Danner (Lucas Co.)	WW	2,000	4-28-03
Scooter's Tower Club (Cresco)	WS	500	4-29-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
# James Masching (Carroll Co.)	AFO/WW	5,000	6-25-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Larry Pogue; Independence MHP (Independence)	WS	2,000	6-30-03
* Rocky Knoll Mobile Home Park (Forest City)	WS	2,000	7-01-03
# James Boller (Kalona)	AFO	5,000	7-11-03
Pita Corporation; Larry Swanson (Grinnell)	UT	750	7-13-03
* Paul L. Nagle (Clear Lake)	AQ	100	7-15-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
Johnny B Good's (Dyersville)	WS	500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
Midway Water & Lighting Co. (Marion)	WS	1,000	8-26-03

# Brett Bachman (Sac Co.)	AFO	750	8-30-03
*Daniel E. Wilson (Prairie City)	AFO	500	9-01-03
# Tom Schramm (Sac Co.)	AFO	500	9-24-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
*Robert Fisher (Hamilton Co.)	AFO	400	10-01-03
*Roger Bockes, et. al. (Tama Co.)	AFO	700	10-01-03
Sigourney Foods (Sigourney)	WW	10,000	10-06-03
Central Counties Cooperative (Kellogg)	AQ	5,000	10-17-03
# Swine Graphics; MoCo Pork-Deer Run Farm (Monroe Co.)	AFO	5,000	10-19-03
Lewis Hartgers (Jasper Co.)	AQ/SW/WW	3,000	11-04-03
# K L & L; Charles Kollasch; Luke Kollasch (Palo Alto Co.)	AFO	750	11-04-03
Custom Feeds, Inc. (Muscatine)	AQ	10,000	11-07-03
D & S Swine L.L.C. (Humboldt Co.)	WW	1,000	11-07-03
# Holstein Dairy, LLP (Ida Co.)	AFO	750	11-07-03
Dennis Bandstra d/b/a Big Dutch (Sioux Center)	AQ/SW	1,000	11-10-03
*Avery Feeder Pig Co. (Humboldt Co.)	AFO	1,500	11-15-03
# River Valley Farms (Mahaska Co.)	AFO	750	11-18-03
# Van Middendorp Dairy (Sioux Co.)	AFO	2,500	11-19-03
Dickinson County Memorial Hospital (Spirit Lake)	AQ	1,500	11-21-03
* Quality Mat Co., Inc. (Waterloo)	AQ	2,863	12-15-03
Independence Mobile Home Park (Independence)	WS	800	-----
Alva Parker (Ringgold/Union Co.)	AQ/SW	10,000	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
Well's Dairy, Inc. (LeMars) SEP	WW	5,000	-----
American Shell Co.; James L. Peach (Fairport)	UT	6,200	-----
Koch Pipeline Co. LP (Kossuth Co.) Restitution	HC	450,000	-----
U.S. Petro, et.al. (Davenport, Bettendorf, Muscatine)	UT	15,400	-----
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000	-----
Alcoa, Inc. (Bettendorf)	WW	3,500	-----
TOTAL		810,398	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
#Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	

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Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Air Bears II (Thompson)	WS	300	7-13-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
* Bog's Bar (Langworth)	WS	200	6-19-03
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Jolly Roger Recreation and Marina, Inc. (North Liberty)	WS	600	7-14-03
Mitchell Town Pump; Jeremy Mostek (Mitchell)	WS	500	7-09-02
# Kevin Hohbach (Taylor Co.)	AFO	2,000	6-30-03
Mark Buringrud fdbs Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
TOTAL		225,889	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	10,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000

# Floyd Kroeze (Butler Co.)	AFO	3,000
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
Long Branch Maintenance Corp. (Earlham)	WW	5,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
William Habhab (Fort Dodge)	SW	1,500
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
ITWC, Inc. (Brooklyn)	AQ	7,500
Wellington Environmental (Iowa City)	AQ	1,000
Grinnell Properties, Inc.; David Hamilton (Grinnell)	UT	5,920
Kevin Wallerich (Keota)	SW/WW	500
# Frank Siemans (Wright Co.)	AFO	3,000
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Waukon Golf and Country Club (Waukon)	UT	2,480
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Caldwell Meats, Inc.; James Caldwell (Marshalltown)	UT	1,990
Walker Brothers Livestock Corp. (Washington)	WW	5,000
# Iowa Select Farms, L.P.; Stockdale Sow Unit (Hardin Co.)	AFO	10,000
Sully Transport; Bice Oil Co.; Tim Bice (Guthrie Co.)	WW/HC	5,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
Lewis Contracting Co.; Randy Lewis (Red Oak)	WW	3,500
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)	AFO	2,500
Larry Whitehead (Sidney)	UT	10,000
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Kuntz Farms, Inc. (Des Moines Co.)	AFO	1,000
Diwan, LLC; Ranbir Thakur (Davenport)	UT	10,000
Landfill of Des Moines, Inc. (West Des Moines)	SW	10,000
# Doug Osweiler (South English)	AFO	5,000
Langman Construction, Inc. (Bettendorf)	WW	10,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500

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# Einck Dairy; D & J Pumping (Winneshiek Co.)	AFO	4,000
# Dan Fox d/b/a Modern Manure Hauling; Jason Fox; Larry Peterson (Shelby Co.)	AFO	5,000
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# Larry Noel (Floyd Co.)	AFO	2,000
# New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000
Roger Eblen; Eblen Develop.; Duane Menke;		
(Whispering Woods - Council Bluffs)	WW	10,000
Frederika's Stein & Dine (Frederika)	WS	2,875
# Natural Pork Production II (Shelby Co.)	AFO	10,000
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)	SW	3,400
Denny Geer (Taylor Co.)	AQ/SW	3,000
Casey's General Stores, Inc. #2472 (Nichols)	WS	5,000
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	4,300
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
Country Terrace Mobile Home Park (Ames)	WW	10,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
# Richard Bockenstedt (Delaware Co.)	AFO	2,000
Larry Nuehring (Rockwell)	AQ/SW	500
# Denny Holtrip (Cherokee Co.)	AFO	750
Westfair Association, The (Council Bluffs)	WS	1,500
# Poverty Acres Feedlot, Inc. (Sioux Co.)	AFO	3,500
# Stone-Path IV LLC (Carroll Co.)	AFO	750
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Rittmer, Inc. (Clinton Co.)	AQ/SW	10,000
Clinton Co. Area Solid Waste Agency (Clinton Co.)	SW	2,000
Joel (Brad) Chambers (Strawberry Point)	WW/WS	1,000
# Smokey Farms Finishing (Carroll Co.)	AFO	750
# Mahogany Partnership (Carroll Co.)	AFO	750
# Black Walnut & English Walnut (Carroll Co.)	AFO	750
Southeast Iowa Multi-County SWA (Keokuk Co.)	SW	4,000
Cedar Rapids, City of	WW	1,000
Bruty Lumber, Inc. (Washington)	AQ/SW	4,000
The Welco Group; David Levin; Kwik Trip (Camanche)	UT	3,500
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
F. J. Krob & Co. (Linn Co.)	WW	2,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
TOTAL		461,454

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
# Percy Zylstra (Osceola Co.)	AFO	1,000
# New Horizons Pork, LLP (Fayette Co.)	AFO	500
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	500
# Roger Lamfers (Lyon Co.)	AFO	750
# Tim Schrock; Devon Schrock (Washington Co.)	AFO	1,500
*#Roger Bockes, et. al. (Tama Co.)	AFO	300
Ames Trenching & Excavating, Inc. (Ames)	AQ	3,600
Ankeny, City of	WW	4,000
Ankeny, City of	WS	100

Ankeny, City of	WW	3,900
Osceola Foods, Inc. (Osceola)	WW	5,000
Muscatine Used Parts, Inc. (Muscatine)	SW/WW	1,750
Noble Ford Mercury, Inc. (Indianola)	WW	1,000
Titan Wheel International, Inc. (Walcott)	WW	500
*#Robert Fisher (Hamilton Co.)	AFO	100
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	5,500
# Luke and Charlie Kollasch (Palo Alto Co.)	AFO	750
Heartland Pork Enterprises, Inc.; Quality Ag Builders	WW	500
Marion F. Murray; Murray's Transfer & Storage (Davenport)	UT	750
Griffin Pipe Products Co. (Council Bluffs)	AQ	10,000
# Thomas and Jane Kronlage (Coggon)	AFO	1,000
Kenneth Ferguson; Ferguson Landscape Center (Spirit Lake)	AQ/SW	3,000
Life-Line Emergency Vehicles, Inc. (Sumner)	AQ	4,000
TOTAL		50,000

The following SEP payments were received this month:

Dayton, City of; SEP to Fish and Game Trust Fund	WW	5,000
Foods, Inc.; Dahls Foods (Dallas Co.) to Dallas CCB	WW	1,000
Cargill, Inc. (Cedar Rapids) to Linn Co. Health Dept.	AQ	1,000
Tyson Fresh Meats, Inc. (Storm Lake) SEP to Storm Lake Preservation Assoc.	WW	2,000

The following penalties were deferred:

Sanborn P & L, Inc.; Douglas R. Bras (Sioux City)	UT	3,040
Ron Fisher Furniture (Marshalltown)	AQ	3,000

Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions

During the period September 1, 2003, through September 30, 2003, 50 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance		Mode							
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	55 (73)	4 (9)	40 (51)	11 (13)	18 (28)	32 (36)	1 (2)	2 (0)	0 (2)	2 (5)
November	57 (72)	13 (8)	29 (49)	15 (15)	18 (28)	36 (33)	0 (2)	0 (1)	1 (0)	2 (8)
December	40 (57)	2 (2)	27 (44)	11 (11)	12 (22)	24 (28)	1 (2)	2 (0)	0 (2)	1 (3)
January	40 (81)	6 (4)	17 (59)	17 (18)	12 (21)	24 (53)	1 (0)	2 (3)	0 (0)	1 (4)
February	39 (62)	1 (4)	29 (44)	9 (14)	11 (20)	18 (37)	1 (1)	6 (2)	0 (1)	3 (1)
March	38 (93)	5 (8)	22 (68)	11 (17)	8 (27)	24 (57)	1 (1)	2 (1)	0 (3)	3 (4)
April	78 (155)	29 (47)	34 (83)	15 (24)	23 (44)	44 (99)	1 (2)	1 (1)	2 (5)	7 (4)

May	79 (112)	25 (29)	43 (73)	11 (10)	29 (22)	40 (81)	1 (0)	1 (2)	1 (0)	7 (7)
June	76 (117)	13 (20)	49 (79)	14 (18)	35 (31)	28 (70)	0 (6)	2 (0)	2 (1)	9 (9)
July	64 (101)	10 (6)	38 (71)	16 (24)	11 (21)	43 (73)	3 (3)	1 (1)	0 (0)	6 (3)
August	86 (72)	15 (6)	48 (52)	23 (14)	20 (18)	48 (49)	6 (1)	2 (1)	0 (1)	10 (2)
September	50 (67)	9 (4)	29 (47)	12 (16)	11 (18)	30 (40)	2 (2)	0 (2)	0 (0)	7 (5)
Total	702 (1062)	132 (147)	405 (720)	165 (194)	208 (300)	391 (656)	18 (22)	21 (14)	6 (15)	58 (55)

period last year)

Total Number of Incidents Per Field Office This month.
vandalism and

(numbers in parentheses for same

*Other includes dumping, theft,
unknown

1	2	3	4	5	6
8	7	7	5	14	9

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
October 1, 2003**

ABC Disposal Systems Hiawatha (1)	Solid Waste	DNR Defendant	Defense	Petition Filed Hearing Ruling for State Notice of Appeal Appellant's Proof Brief Appellee's Proof Brief	6/26/02 10/07/02 12/26/02 1/28/03 4/25/03 6/27/03
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Ruling for Defendants Motion to Enlarge Ruling Denying Motion to Enlarge	3/20/00 4/19/00 2/26/01 4/20/01 3/31 to 4/02/03 6/17/03 6/27/03 8/26/03
Barton, Randy and Theresa Kellerton (4)	Air Quality	Open Burning	Order/Penalty	Referred Order Granting Judgment (\$1000/Admin.)	10/21/02 5/27/03
Bauer, Michael Davenport (6)	Undergr ound Tank	Site Assessment	Order/Penalty	Referred Petition Filed State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment State Motion to Compel Order Granting Motion to Compel	2/18/02 8/08/02 1/27/03 4/17/03 8/06/03 8/24/03
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)	Solid Waste	Solid Violations	Waste Order/Penalty	Referred	5/20/02
BCD Corporation Council Bluffs (4)	Wastew ater	Operation Without Permit; Pollution	Order	Referred	7/22/02

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		Prevention Violation	Plan			
Buhr, Lee; Meadow Mist Motel Park View Motel Oelwein (1)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate;	Public	Order/Penalty	Referred	3/17/03
Bulk Petroleum Corp.; Store #536 Store #537 Des Moines (5)	Underground Tank	Record Keeping		Order/Penalty	Referred Admin. Penalty (\$2,540) Paid	3/17/03 7/03/03
Buringrud, Mark fdba Carpenter Bar & Grill Carpenter (2) NEW	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate		Order/Penalty	Referred	9/15/03
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Disposal; Operation Without Permit		Order/Penalty	Referred	10/21/02
Davis, Richard Wapello Co. (6)	Air Quality	Asbestos		Order/Penalty	Referred Petition Filed Application for Default Order Granting Judgment on Default Motion for Contempt Contempt Hearing Date	8/19/02 11/27/02 2/01/03 3/14/03 6/05/03 9/15/03
Golden, Randy S.; R. Excavating Council Bluffs (4)	Wastewater	DNR Defendant	Defense		Petition Filed Answer	4/16/02 5/09/02
Handlos, Lawrence Audubon Co. (4)	Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit		Referred to Attorney General	Referred	7/21/03
Hansel, Dave Hamilton Co. (2)	Animal Feeding Operation	Failure to Submit Plan; Record Keeping; Uncertified Applicator		Order/Penalty	Referred	2/17/03
Harper, David Harper's Marina; Jolly Roger Campground	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Permit				

North Liberty (6)		g Water	Renewal Fees; Public Notice	Order/Penalty	Referred	8/18/03
Hohbach, Kevin Red Oak (4)	NEW	Animal Feeding Operation	Application in Excess of Crop Usage Rate	Order/Penalty	Referred	9/15/03
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4)		Animal Feeding Operation	Prohibited Discharge Confinement	Referred to Attorney General	Referred Petition Filed Trial Date	2/18/02 2/03/03 1/27/04
Johansen, Don d/b/a Bog's Bar Langworthy (1)		Drinking Water	Monitoring/Reporting-Bacteria	Order/Penalty	Referred	11/18/02
Johnson, Shelly Lynn d/b/a Oran Pub & Grill Fairbank (1)		Drinking Water	Monitoring/Reporting-Nitrate; Permit Renewal Fee; Public Notice	Order/Penalty	Referred	11/18/02
Jolin, John; Michael Kolbold Sioux City (3)		Underground Tank	UST Closure	Order/Penalty	Referred	3/17/03
Kelso, John C. Worth Co. (2)		Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02
Lehigh Portland Cement Co. Mason City (2)		Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date Trial Continued	8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)		Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Action Suspended	5/21/01 7/01/03
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)		Wastewater	Monitoring/Reporting; Operational Violations; Operator Discipline	Order/Penalty	Referred	1/21/03
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)		Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02

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Meixner, Larry; Air Bears II Thompson (2)	Drinking Water	Monitoring/Reporting – Bacteria; Nitrate	Order/Penalty	Referred	4/21/03
Messerschmidt, Mike Keokuk Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	7/21/03
M-F Real Estate, Inc.; Fred Levell Carter Lake (4)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Motion for Judgment Order Granting Judgment (\$3,200/Admin.)	9/16/02 2/14/03 3/17/03
Mobile World L.C. Clinton (6)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty	Referred	11/18/02
Moore, C. D. d/b/a Iowa Skate U Iowa Falls (2)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria, Nitrate	Order/Penalty	Referred	5/19/03
Mostek, Jeremy Osage (2)	NEW Drinking Water	Construction Without Permit; Monitoring/Reporting – Bacteria, Nitrate; MCL – Bacteria; Public Notice	Order/Penalty	Referred	9/15/03
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred Petition Filed Default Entered	2/19/01 3/20/02 11/12/02
Oberly, Marvin Burlington (6)	Wastewater	Operation Without Permit	Order/Penalty	Referred	7/15/02
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03

						Date Contempt Finding 8/01/03 and Civil Penalty 8/20/03 (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond
Paplow, Dave Indianola (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	3/17/03	
Roquette America, Inc. Keokuk (6)	Air Quality	Violations Other	– Order	Referred	4/21/03	
Schaffer, Dale Kent (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/21/03	
Schlag, Dana d/b/a Plantation Village Mobile Home Park Burlington (6)	Drinkin g Water	MCL; Public Notice Monitoring/Repo rting – Radioactivity	Order/Penalty	Referred	7/21/03	
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinkin g Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred	6/20/97 12/09/98 11/21/02	
Simon, Carl Dubuque Co. (1)	Animal Feeding Operatio n	Prohibited Discharge Confinement; Freeboard	– Order/Penalty	Referred	7/21/03	
Smesrud, Shannon d/b/a Bubba's Bar & Grill Cresco (1)	Drinkin g Water	Monitoring/Repo rting-Nitrate; Public Notice	Order	Referred Referral Withdrawn	11/18/02 5/09/03	
Trafton Environmental, Inc.; Harry Trafton; Interstate Lounge, Inc. Underwood (4)	Undergr ound Tank	UST Closure	Order/Penalty	Referred	2/17/03	
Van Meter Development Corp.;	Wastew	Operation	Order/Penalty	Referred	2/17/03	

C. Dave Albright
Polk Co. (5)

ater Without Permit;
Pollution
Prevention Plan
Violations

Wisconsin North, LLC d/b/a
K & K Food & Gas, Inc.;
Khushat Singh
Davenport (6)

Undergr
ound
Tank

Corrective
Action; Failure to
Report a Release;
Leak Detection

Referred to
Attorney General

Referred

3/17/03

Wisconsin North, LLC d/b/a
National Petroleum Co.
UST #8606997
Clinton (6)

Undergr
ound
Tank

Failure to Initiate
Corrective
Action-CDR

Referred to
Attorney General

Referred

10/21/02

7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	10/03 – Site closure assessment underway by DNR.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	7/31/03 – Letter to company attorney regarding settlement of appeal. 8/15/03 – Letter from company attorney. 8/21/03 – Dept. response to attorney. 9/03 – Settled. Penalty paid. Case closed.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	2/03 – Site assessment underway.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	6/10/03 – Demand to proceed with completion of terms of settlement. Required to comply by 7/31/03 or mater will be set for hearing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	NPDES permit issued 3/28/02 with compliance schedule. Continuing to monitor for compliance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	1/02/03 – Settlement reached pending remedial work and withdrawal of appeal. 7/29/03 – Draft remedial permit faxed to attorney for approval.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	9/19/03 – SEP payment received. Case closed.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	4/03 – Settled. Agreement reached. Consent order to be signed.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	7/17/03 – Ven's letter agreeing to consider Dept. settlement offer and respond during August.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	9/30/02 – Penalty settlement offer accepted. Monthly installments commenced 11/01/02.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance achieved. Penalty settled for \$3,000. Payment plan established. \$2000 paid to date.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	8/15/03 – Plans and specs received for relief sewer. 8/2/03 – Dept. engineer letter sent with comments on plans and specs and compliance schedule approved by Dept. Schedule to be placed in order.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 4/03.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01. Second payment received 12/15/02.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.

8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction completed. Proof of costs submitted. Awaiting full closure of lagoons.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	9/18/03 – Partial penalty payment received without Dept. approval. Further negotiations necessary.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	8/03 – Permit issued; appeal to be dismissed.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	8/03 – Permit issued; amended AO will settle appeal.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Settlement agreement. Hearing continued. Tier 2 received – approved high risk. Negotiate penalty and further corrective action.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	9/30/03 – Settled pending receipt of penalty.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/30/03 – FO5 inspection. Facility connected to city WW system. 8/1/03 – Dept. letter regarding settlement of penalty. 9/12/03 – Penalty payment received. Case closed.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 7/23/03 – FO5 confirmed new company began operating plant. Dept. to issue order canceling penalty.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 - District Court ruled in favor of Dept. 1/28/03 – Appealed to Iowa Supreme Court.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	2/28/03 – Proposed consent order with attachments sent to facility attorney for review/signature. 3/03 – Further information concerning WWTF sent by facility engineer. 4/03 – Revised consent order drafted.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	Settled. Site issued no further action. 9/15/03 – Penalty payment received. Case closed.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Compliance mostly achieved. Confirmational monitoring. Negotiating penalty.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	8/22/02 – Informal meeting held to discuss settlement. On hold until companion case resolved.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	7/17/03 – Settled pending compliance with payment schedule. 9/3/03 – Final payment received. Case closed.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	9/13/03 – DNR letter. Parties responded. FO to inspect for compliance.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Hearing set for 11/3/03.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP attorney. 10/31/02 – Construction permit issued for improvement to lagoon system.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	Hearing rescheduled for 4/25/03 to allow City to complete TKN monitoring requested by WW permits staff. 3/03 – One year of TKN monitoring completed by City. Review of data completed by WW permits staff. 4/13/03 – Dept. letter to City attorney regarding review of TKN data and Dept. conclusions regarding such data. Hearing re-set for 6/20/03. 6/03 – City requested continuance to do

						stream study regarding TKN and NH3N in stream. ALJ granted continuance. 7/25/03 – Dept. staff reviewing City's stream study sampling plan. 8/7/03 – Dept. memo to City engineering concerning City's TKN and NH3N sampling plan for stream study.
3/14/02	Brett George d/b/a Cedar Valley Tree Service	6	Order/Penalty	AQ/SW	Tack	8/16/02 – First penalty payment received. Final payment due 9/15/02. Reminder letter sent 5/30/03.
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	Site enrolled in EPA Brownfield Pilot Project by City of Ft. Dodge. Site testing completed 10/02. Remediation/clean-up scheduled for 2003.
4/12/02	Well's Dairy, Inc.	3	Order/Penalty	WW	Hansen	8/03 – Consent order signed. \$5,000 SEP to be paid to Plymouth County Pheasants Forever in lieu of penalty. Appeal resolved. 9/9/03 – SEP payment made. Case closed.
5/01/02	Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash	6	Order/Penalty	WW	Murphy	ALJ decision 7/3/03. Appeal to EPC 8/1/03. To be considered by EPC 10/20/03.
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	6/30/03 – Compliance status report requested from WS section. 7/29/03 – Report received from WS section.
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Compliance initiated.
5/09/02	Arthur, City of	3	Order/penalty	WW	Hansen	7/31/03 – Dept. letter regarding resolution of appeal. 8/29/03 – Further information requested from FO. 9/03 – Discussion with City regarding possible SEP project.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent order signed. Penalty is a non-monetary SEP to be conducted over the next 9 months. Completed half of the required 12 classes, deadline for remaining 6 classes moved to August, 2004, due to planning and financial difficulties.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	5/01/03 – Settled. Monthly installment commenced 5/15/03.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	Attorney left client. Start negotiating process over with Carlson.
5/30/02	Paul Nagle	5	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 – Richard Caves' bankruptcy pending. Negotiating resolution.
6/17/02	Allison, City of	2	Order/Penalty	AQ	Preziosi	Settled. 10/02/03 – Penalty paid in full. Case closed.
7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent amendment signed. Penalty to is a non-monetary SEP to be conducted over the next 9 months.
7/05/02	Marion Murray; Murray Transfer and Storage	6	Order/Penalty	UT	Wornson	Tank closure completed. Tiered assessment required. Tier 2 received 5/8/03. Low risk. 9/18/03 – Penalty payment received. Case closed.
7/09/02	Waukon Golf & Country Club	1	Order/Penalty	UT	Wornson	Partial compliance achieved. Agreement to complete.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/WW	Tack	9/26/02 – Amended order issued.
7/15/02	Grinnell Properties, Inc.; David Hamilton	5	Order/Penalty	UT	Wornson	Partial settlement proposed. Hearing postponed indefinitely. Tier 2 submitted 3/3/03; no action required except free product reports. 8/5/03 – Settlement offer.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 8/03 – Letter to City attorney regarding resolving appeal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	9/23/03 – DNR letter requesting update.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	9/3/03 – Settlement discussion; Siemens will make offer after consulting with legislators.
7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	Settled. Awaiting SEP payment.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.	4	Order/Penalty	UT	Wornson	Late appeal. Closure sampling received. Further assessment required. Received delinquent tank fees. Negotiating penalty conditioned upon initiation of Tiered assessment.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	Negotiating before filing.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/SW	Tack	Inspection on 6/27/03. Significant progress made on cleanup. Continued efforts needed.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	8/29/03 – Left message with Dahlhauser's attorney to return call regarding potential settlement.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	Order/Penalty	AQ/SW	Tack	Clean-up underway. Expected to be completed by mid September, 2003. Penalty to be negotiated

						following clean-up.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	Negotiating before filing.
10/21/02	Caldwell Meats, Inc.; James Caldwell	5	Order/Penalty	UT	Wornson	Compliance initiated. Final offer made 8/18/03.
10/24/02	Harold L. Foster; Carolyn Foster; Glin, Inc.	4	Order	UT	Wornson	Fosters appealed. Glin, Inc. and Webers did not. Tank closure completed. Negotiate penalty.
11/04/02	Walker Bros. Livestock Corp.	6	Order/Penalty	WW	Murphy	8/28/03 – Settlement offer.
11/12/02	Sully Transport, Inc.; Bice Oil Co.; Tim Bice	4	Order/Penalty	WW/ HC	Wornson	Tier 1 completed. Negotiating penalty.
11/13/02	Iowa Select Farms, L.P., Stockdale Sow Unit	2	Order/Penalty	AFO	Murphy	7/2/03 – ALJ decision. 7/25/03 – DNR appeal. 7/31/03 – Iowa Select appeals. To be considered 10/20/03.
11/18/02	Randy Lewis & Lewis Contracting Co.	4	Order/Penalty	WW	Murphy	8/29/03 – Settlement offer.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/ HC	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tier 1 compliance initiated.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Murphy	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
1/13/03	Merrell Butler	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Glen Samuelson	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Butler Custom Pumping; Robert Butler	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Langman Construction; Charles Langman	5	Order/Penalty	WW	Murphy	Hearing continued to 10/31/03.
1/14/03	Monsanto	2	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1/24/03	Kuntz Farms, Inc.	6	Order/Penalty	AFO	Clark	Negotiating before filing.
1/27/03	Larry Whitehead	4	Order/Penalty	UT	Wornson	Compliance completed except for penalty. Penalty settlement proposed.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	Order/Penalty	AFO	Tack	3/18/03 – Settlement offer sent.
1/29/03	Ankeny, City of	5	Order/Penalty	WW	Hansen	7/18/03 – Informal meeting held. City sent settlement offer. Offer being reviewed by Dept. staff. 8/29/03 – Dept. letter sent accepting City's offer regarding penalty. 9/9/03 – Settled. Penalty received. Case closed.
1/31/03	DIWAN, L.L.C.	6	Order/Penalty	UT	Wornson	Negotiating before filing.
2/05/03	Landfill of Des Moines, Inc.	5	Order/Penalty	SW	Tack	Physical site closure completed. Waiting for closure certification from engineer.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Book	Negotiating before filing.
2/14/03	United Suppliers, Inc.	5	Permit Conditions	WW	Hansen	3/03 – Appeal reviewed by WW permits section.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/06/03	Einck Dairy, Inc.; D & J Pumping, Inc.	1	Order/Penalty	AFO	Clark	Negotiating before filing.
3/26/03	Dan Wilson	5	Order/Penalty	AFO	Clark	6/02/03 – Settled. Monthly installments to commence 7/01/03.
4/01/03	Dan Fox d/b/a Modern Manure Hauling; Larry Peterson	4	Order/Penalty	AFO	Murphy	Negotiating before filing.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Murphy	Negotiating before filing.
4/14/03	Tim Schrock; Devon Schrock	6	Order/Penalty	AFO	Book	Settled. Consent amendment being issued.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/07/03	Frederika's Stein & Dine	1	Order/Penalty	WS	Hansen	Hearing continued to 11/17/03. Informal meeting 10/2/03 to discuss settlement.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	Order/Penalty	AFO	Murphy	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03.
5/15/03	Larry E. Noel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
5/21/03	Natural Pork Production II (03-AFO-26)	4	Order/Penalty	AFO	Murphy	Working on stipulation to be filed with ALJ.
5/27/03	Casey's General Store #2472	6	Order/Penalty	WS	Murphy	9/1/03 – As-builts under review.
5/27/03	Rural Iowa Waste Mgmt. Assoc.	2	Order/Penalty	SW	Tack	Settled by consent order. \$1000 SEP contribution to be made to county conservation board. Awaiting signed consent order.
5/28/03	Denny Geer	4	Order/Penalty	SW	Tack	Clean-up progressing well. Penalty to be negotiated after cleanup is completed.

5/30/03	Gingerich Well & Pumping Service, LLC	6	Order/Penalty	WS	Wornson	Informal settlement meeting.
6/20/03	Muscatine Used Parts, Inc.	6	Order/Penalty	WW/SW	Tack	9/10/03 – Penalty payment received. Case closed.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	Ankeny, City of	5	Order/Penalty	WW	Hansen	8/29/03 – Dept. letter sent with counter offer regarding penalty. 9/9/03 – Settled. Penalty received. Case closed.
6/23/03	Ankeny, City of	5	Order/Penalty	WS	Hansen	8/29/03 – Dept. letter to City accepting settlement offer regarding penalty. 9/9/03 – Settled. Penalty received. Case closed.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	Order/Penalty	UT	Wornson	Negotiating before filing.
7/07/03	Ron Fisher Furniture	5	Order/Penalty	AQ	Preziosi	Settled. Penalty withdrawn. Case closed.
7/09/03	Country Terrace MHP	5	Order/Penalty	WW	Hansen	7/10/03 – Dept. letter to owner. 8/12/03 – Facility owner letter received regarding appeal.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
7/14/03	Brad Taylor	4	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
7/16/03	Richard Bockenstedt	1	Order/Penalty	AFO	Murphy	9/16/03 – Sent to DIA.
7/17/03	Larry Nuehring	3	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
7/23/03	Denny Holtrip	3	Order/Penalty	AFO	Clark	9/24/03 – Settlement offer; awaiting FO input.
7/25/03	Bruty Lumber, Inc.	6	Order/Penalty	AQ/SW	Book	Meeting scheduled for October.
7/28/03	Westfair Association, The	4	Order/Penalty	WS	Hansen	Hearing continued to 12/12/03 in order to allow settlement discussion.
7/28/03	Poverty Acres Feedlot Inc.	3	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	Variance Denial	AQ	Preziosi	Negotiating before filing.
8/13/03	Stone Path IV, LLC	4	Order/Penalty	AFO	Clark	9/30/03 – Settled pending penalty payment.
8/15/03	Smokey Farms Finishing	4	Order/Penalty	AFO	Clark	Negotiating before filing.
8/16/03	Cedar Rapids, City of	1	Order/Penalty	WW	Murphy	9/24/03 – Settlement offer.
8/19/03	Black Walnut, Inc.; English Walnut, Inc.	4	Order/Penalty	AFO	Clark	Negotiating before filing.
8/19/03	SEMCO	6	Order/Penalty	SW	Tack	Settled. Awaiting penalty payment.
8/19/03	Harlan, City of	4	Order	WW	Hansen	Negotiating before filing.
8/19/03	Mahogany Partnership	4	Order/Penalty	AFO	Clark	9/30/03 – Settled pending penalty payment.
8/21/03	Joel (Brad) Chambers	1	Order/Penalty	WS/WW	Murphy	9/16/03 – Sent to DIA.
8/22/03	Clinton Co. Area SWA	6	Order/Penalty	SW	Tack	Settled by consent order. Awaiting receipt of signed order and penalty payment.
8/22/03	Rittmer, Inc.	6	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
8/28/03	Whiting, City of	4	Order	WW	Hansen	Amended AO to be issued to resolve appeal.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	Negotiating before filing.
8/29/03	The Welco Group; David Levin; Kwik Trip	6	Order/Penalty	UT	Wornson	Negotiating before filing.
9/02/03	Kent Kiburz	2	Order/Penalty	SW	Tack	New case.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornson	New case.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Murphy	New case.
9/24/03	F. J. Krob & Co.	1	Order/Penalty	WW	Murphy	New case.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	Order/Penalty	UT	Wornson	New case.

**Iowa Department of Natural Resources
WW By-passes Report**

During the period September 1, 2003 through September 30, 2003, 4 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '02	5(9)	1.4	.0291	4	0(0)
November '02	3(4)	1	0.00833	2	0(0)
December '02	4(3)	1	.06875	0	0(0)
January '03	3(4)	2	.8625	0	0(0)
February '03	4(5)	0.8	0.016	2	0(0)
March '03	7(10)	0.1	0.03	2	0(0)
April '03	8(5)	0.3	0.02	1	0(0)
May '03	9(2)	0.717	0.019	4	0(0)
June '03	6(3)	0.290	0.019	3	0(0)
July '03	5(6)	0.496	0.580	2	0(0)
August '03	2(9)	0.354	0.054	0	0(0)
September '03	4(5)	0.177	0.006	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	0	1	1	2

Francis Thicke and Darrell Hanson left at 2:45 pm.

GENERAL DISCUSSION

Wayne Gieselman informed the Commission on the items for next month's meeting: Air Quality standards for livestock, Concrete standards; P-Index, Water Quality standards, and the Chapter 69 rules. We will keep the agenda manageable.

Catharine Fitzsimmons requested that a Notice Of Intended Action – Adoption of the Commercial Industrial Solid Waste Incineration Guidelines be added to the agenda for next month's meeting. This applies to only existing sources. These guidelines are the same as the EPAs. Monsanto are the only ones who subject to the existing sources.

Motion was made by the Terry Townsend to approve the request of adding this Notice of Intended Action item to next month's agenda. Seconded by Donna Buell. Motion carried unanimously.

Catharine Fitzsimmons mentioned that on November 13th at 10:00 am there will be an informational meeting on PSD rules. Additional information will be posted on the list server and EcoNews

NEXT MEETING DATES

November 17, 2003

December 15, 2003

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Kathryn Murphy adjourned the meeting at 3:15 p.m., Monday, October 20, 2003.

Jeffrey R. Vonk, Director

Kathryn Murphy, Chair

Lisa Davis Cook, Secretary

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